

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Michelle McKenna,  
Plaintiff

v.

David Z. Chesnoff, Ctd. P.C., et al.,  
Defendant

No: 2:14-cv-1773-JAD-CWH

**Order Regarding Summary Judgment  
Briefing**

**[ECF 38, 39, 40, 45]**

Defendants have moved for summary judgment on a portion of plaintiff Michelle McKenna's claims in this legal-malpractice action.<sup>1</sup> Although McKenna responded to the motion in December<sup>2</sup> and the defendants replied,<sup>3</sup> critical discovery had not yet been completed, and McKenna has since filed a flurry of requests aimed at supplementing her response.<sup>4</sup> So, what should have been a three-docket-entry briefing process has already yielded ten entries with a still-evolving record that makes it difficult for me to even determine what McKenna's current position on the summary-judgment issues is.

It is well established that district courts have the inherent power to control their dockets and manage their affairs; that includes the power to strike or deny motions to streamline motion practice and promote judicial efficiency.<sup>5</sup> In light of this fractured and unnecessarily lengthy approach to summary-judgment briefing that has occurred, coupled with the continually evolving state of the record, I find that the most judicially economical way to manage this situation is to exercise my inherent power to manage the docket, and essentially order a do-over of McKenna's response to the

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<sup>1</sup> ECF 31.

<sup>2</sup> ECF 34.

<sup>3</sup> ECF 37.

<sup>4</sup> ECF 38–40, 45.

<sup>5</sup> *Ready Transp. v. AAR Mfg.*, 627 F.3d 402, 404–05 (9th Cir. 2010).

1 motion for summary judgment and the defendants' reply brief.

2 Accordingly, I will disregard McKenna's original response [ECF 34] and the defendants'  
3 reply [ECF 37], deny as moot McKenna's Motion for Oral Argument, Motion for Leave to File a  
4 Surreply, Motion for Leave to File a Supplemental Brief, and the Stipulation to Extend the Briefing  
5 Schedule for the Surreply and Supplemental Brief [ECF 38–40, 45], and disregard McKenna's  
6 Supplement to her motion for leave and the notice of non-opposition [ECF 41, 44]. McKenna has  
7 until April 22, 2016, to file a single response to the motion for partial summary judgment [ECF 31].  
8 This response should contain all arguments, facts, and requests that McKenna wishes to make in  
9 response to the defendants' motion. The defendants will then have until May 9, 2016, to file their  
10 reply brief. The page limitations in Local Rule 7-4 apply. The parties must heed local rule 10-3(a)'s  
11 admonition that exhibits must not be "unnecessarily voluminous." And any evidence must be  
12 properly authenticated or the court will not consider it.<sup>6</sup>

13 Accordingly, it is HEREBY ORDERED that Plaintiff Michelle McKenna's Request for Oral  
14 Argument or, in the Alternative (1) Motion for Leave to File Surreply, and (2) Motion for Leave to  
15 File a Supplemental Brief, and the Stipulation to Extend the Briefing Schedule for the Surreply and  
16 Supplemental Brief [ECF 38, 39, 40, 45] are DENIED.

17 IT IS FURTHER ORDERED THAT **McKenna has until April 22, 2016, to file a single**  
18 **response to the motion for partial summary judgment** [ECF 31] that complies with this order and  
19 all applicable rules. The **defendants will then have until May 9, 2016, to file their reply brief.**

20 DATED: March 31, 2016

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23 Jennifer A. Dorsey  
24 United States District Judge  
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27 <sup>6</sup> See *Orr v. Bank of Am., NT & SA*, 285 F.3d 764, 774 (9th Cir. 2002) (rules for authenticating  
28 deposition transcripts); *Randazza v. Cox*, 2014 WL 1407378 (D. Nev. Apr. 10, 2014) (instructions  
for authenticating other types of documents for summary judgment).